

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA *ex rel.*
CHINA PACIFICARBIDE, INC.,

Plaintiff-Relator,

v.

KING KONG TOOLS, LLC; *and*
KING KONG-TOOLS GMBH & CO. KG,

Defendants.

Civil Action No.
1:19-CV-5405-WMR

Filed under seal and *ex parte*

Order

Whereas the United States has partially intervened in this action with regard to allegations against Defendants King Kong Tools, LLC, and King Kong-Tools GmbH & Co., KG (collectively, “King Kong”) for the purpose of effectuating a settlement agreement between the United States; China Pacificarbide, Inc. (the “Relator”); and King Kong (the “Settlement Agreement”);

WHEREAS the United States and the Relator have filed a joint stipulation of dismissal with regard to the allegations against King Kong;

IT IS HEREBY ORDERED as follows:

1. Consistent with the terms of the Settlement Agreement, the claims asserted by the Relator on behalf of the United States against King Kong that are based on the Covered Conduct as defined in the Settlement Agreement are dismissed with prejudice. Specifically, the Settlement Agreement provides as follows:

The United States contends that it has certain civil claims against King Kong Tools, LLC, and KingKong-Tools GmbH & Co KG arising from the following:

- a. Between August 1, 2018 and January 17, 2023, King Kong Tools, LLC, and KingKong-Tools GmbH & Co KG knowingly made, used, or caused to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly concealed or knowingly and improperly avoided or decreased an obligation to pay or transmit money or property to the Government by falsely representing certain goods as being of German origin when they were of Chinese origin. This conduct includes the goods covered by the entries made by or on behalf of King Kong between March 2021 and December 2022 on the attached schedule.
- b. Between August 1, 2018 and January 17, 2023, King Kong Tools, LLC, and KingKong-Tools GmbH & Co KG conspired to perform the acts described in Subparagraph (a), directly above.

The conduct described in this Paragraph is referred to below as the “Covered Conduct.”

2. Any remaining claims asserted by the Relator on behalf of the United States, in which the United States has not intervened, are dismissed with prejudice to the Relator and without prejudice to the United States.
3. All claims asserted by the Relator on her own behalf are dismissed with prejudice.
4. As a result of the above dismissals, no other claims remain pending in the above-styled action. The Clerk shall close the case.
5. This case is currently under seal. The Clerk is directed to lift the seal with the exception of the government's intervention motions, which should remain under seal. The eight intervention motions were filed on approximately the following dates:
 - May 1, 2020
 - October 19, 2020
 - May 5, 2021
 - November 2, 2021
 - April 26, 2022
 - October 27, 2022
 - May 3, 2023

- November 6, 2023

SO ORDERED this ____ day of _____, 2023.

HON. WILLIAM M. RAY
UNITED STATES DISTRICT JUDGE

Presented by:
Anthony C. DeCinque
Assistant United States Attorney